

## State Water Resources Control Board

Division of Drinking Water

December 19, 2014  
System No.: 5403141

Mr. Rick McCurry, Controller  
Hellwig Products  
16237 Avenue 296  
Visalia, CA 93292

RE: **Citation No. 03-24-14C-014**  
**Violation of Title 22, California Code of Regulations, Section 64426.1**  
**For August and September 2014**

Dear Mr. McCurry:

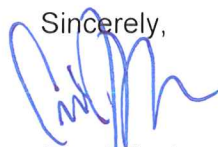
Enclosed is a Citation issued to the Hellwig Products (Water System) public water system.

The Water System will be billed at the Division's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Citation. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specific enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Hellwig Products for the current fiscal year.

If you have any questions regarding this letter and the enclosed citation, please contact the Tulare District office at (559) 447-3300.

Sincerely,



Chad Fischer, P.E.  
Senior Sanitary Engineer, Tulare District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

CJF/TS

Enclosure

cc: Tulare County Environmental Health Department

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

IN RE: **HELLWIG PRODUCTS**  
Water System No. 5403141

TO: Mr. Rick McCurry, Controller  
Hellwig Products  
16237 Avenue 296  
Visalia, CA 93292

CC: Tulare County Environmental Health Services Department

CITATION FOR VIOLATION OF  
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1  
August and September 2014

Issued on December 19, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to the Hellwig Products (hereinafter "Water System") (16237 Avenue 296, Visalia, CA 93292) for violation of California Code of Regulations (CCR), Title 22, Section 64426.1.

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The Water System is a nontransient noncommunity water system serving a population of approximately 45 persons through 2 service connections. Effective July 1, 2014 regulatory oversight for this water system was transferred to the Division from the Tulare County Department of Environmental Health. The Water Company currently operates under a water supply permit issued by the Tulare County Department of Environmental Health on July 19, 2010.

The Water System is required to collect a minimum of one distribution system bacteriological sample per month. The bacteriological water analysis results submitted by the Water System reported the presence of total coliform bacteria in one of two routine samples collected by the Water System in August 2014. None of the positive samples showed the presence of fecal coliform or *E. coli* bacteria. The sample that reported the presence of total coliform bacteria was collected from the well.

The Water System chlorinated the well and flushed the system prior to the collection of the routine samples for September 2014. One of the five routine samples collected on September 15, 2014 showed the presence of total coliform bacteria. The Water System



1 then collected five repeat samples on September 22, 2014 and two of these repeat  
2 samples were total coliform positive. All samples were absent for *E. coli* bacteria. All  
3 distribution water samples for coliform bacteria collected during August and September are  
4 summarized in Attachment B.

5  
6 The Water System issued a Boil Water Notice on September 24, 2014. The Water System  
7 is currently installing a chlorination system to provide continuous disinfection of the  
8 distribution system. The Water System plans to keep the Boil Water Order in place until  
9 continuous chlorination is installed.

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11 The analytical results for the well that was online during the month of August 2014, showed  
12 the presence of total coliform bacteria. Follow up sampling from the well was conducted  
13 on August 18, and August 25, 2014 which also showed the presence of total coliform  
14 bacteria. The analytical results for the month of September 2014 reported concentrations  
15 of <1.1 MPN/100mL for both total coliform bacteria and *E. coli* bacteria. All source water  
16 samples for coliform bacteria collected during August and September are summarized in  
17 Attachment C.

18  
19 The Groundwater Rule (GWR) requires the collection of a sample for bacteriological  
20 evaluation from the well(s) serving the system in response to a coliform positive distribution  
21 sample within 24 hours of being notified of the coliform positive result. Based on data  
22 submitted to the Division, the Water System did not collect their raw water well samples in  
23 a timely manner in follow up to the total coliform positive routine samples collected on  
24 August 11 and September 15, 2014. Bacteriological sampling of the well was conducted on  
25 August 18, 2014 and September 22, 2014.

26  
27 Public notification to the Division and consumers of a water system is required whenever a  
violation of the Total Coliform MCL occurs. Notification to the Division is required by the

1 end of the business day on which the violation has been determined. If the Division is  
2 closed, notification shall be within 24 hours of the determination. The Division was notified  
3 of the Total Coliform Rule violations for August and September on September 18, 2014.  
4

5 Public notification to the consumers of the water systems has not been conducted.  
6 Attachments D and E are copies of a public notice that the Water System may use to notify  
7 its consumers. This notice fulfills the total coliform MCL notification requirements and  
8 includes the mandatory language. Proof of notification is required.  
9

#### 10 11 **DETERMINATION**

12 Title 22, CCR, Section 64426.1, Total Coliform Maximum Contaminant Level (MCL)  
13 provides that a public water system that collects fewer than 40 bacteriological samples per  
14 month has violated the regulation if more than one sample collected during any month is  
15 total coliform positive.  
16

17 The Division has determined that the Water System failed to comply with Title 22, CCR,  
18 Section 64426.1, Total Coliform MCL for the months of August and September 2014 due to  
19 the presence of total coliform bacteria in seven of ten samples collected in August and two  
20 of four samples collected in September.  
21

22 The Division has also determined that the Water System failed to comply with Title 22,  
23 CCR, Section 64426.1(c) which requires a public water system to notify the Division and  
24 the consumers of the water system, when a violation of Section 64426.1(b)(1) through (4)  
25 the total coliform MCL occurs. Notification to the Division is required by the end of the  
26 business day on which the violation has been determined. If the Division is closed,  
27 notification shall be within 24 hours of the determination.

## DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Comply with Title 22, CCR, Section 64426.1, in all future monitoring periods.
2. On or before **January 15, 2015**, notify all persons served by the Water System of the TCR MCL violation by utilizing the Tier 2 Public Notice for violations of Section 64426.1. Public notice shall be given pursuant to Sections 64463.4 [lists method, time-frame and delivery] and 64465 [content & format]. The Water System shall use the public notification template appended as Attachment D to fulfill the public notification requirements. Section 64463.4 allows non-transient non-community water systems to give public notice by posting the notice in conspicuous locations throughout the area served by the water system and by the use of one or more of the following methods in order to reach persons not likely to be reached by a public posting: publication in a local newspaper or newsletter distributed to customers, e-mailing the public notice to water system customers, post the public notice on the internet, or by delivery to each customer. The Water System shall post the notice in conspicuous locations throughout the area served by the water system.
3. Within ten days of receipt of this Citation, the Water System shall provide to the Division certification of public notification using the enclosed Proof of Notification form (Attachment E). A copy of the final notice that was posted shall also be submitted to the Division with the proof of notification form.
4. The Water System shall notify the Division of any further violations of the total coliform MCL by the end of the business day on which the violation has been determined, or, if the Division is closed, within 24 hours of the determination.



1        5.     The Groundwater Rule (GWR) requires the collection of a sample for  
2                bacteriological evaluation from the well(s) serving the system in response to a  
3                coliform positive distribution sample within 24 hours of being notified of the coliform  
4                positive result.

5  
6        6.     By **January 15, 2015** the Water System shall complete and submit the enclosed  
7                "Positive Total Coliform Investigation" form to the Division that describes the  
8                incident and all corrective actions taken, and the results of the investigation. The  
9                appropriate investigation report is provided as Attachment A.

10  
11        The Division reserves the right to make such modifications to the Citation as it may deem  
12                necessary to protect public health and safety. Such modifications may be issued as  
13                amendments to this Citation and shall be effective upon issuance.

14  
15        Nothing in this Citation relieves the Water System of its obligation to meet the requirements  
16                of the California Safe Drinking Water Act or any regulation, standard, permit or order  
17                issued thereunder.

18  
19        All submittal required by this Citation shall be submitted to the Division at the following  
20                address:

21  
22                Chad Fischer, P.E.  
23                Senior Sanitary Engineer  
24                State Water Resources Control Board  
25                Division of Drinking Water  
26                265 W. Bullard Avenue, Suite 101  
27                Fresno, CA 93704

**PARTIES BOUND**

This Citation shall apply to and be binding upon the Hellwig Products water system, its officers, directors, agents, employees, contractors, successors, and assignees.

1  
2 **SEVERABILITY**

3 The Directives of this Citation are severable, and the Water System shall comply with each  
4 and every provision thereof notwithstanding the effectiveness of any provision.  
5

6 **FURTHER ENFORCEMENT ACTION**

7 The California SDWA authorizes the Board to: issue citation with assessment of  
8 administrative penalties to a public water system for violation or continued violation of the  
9 requirements of the California SDWA or any permit, regulation or order issued or adopted  
10 thereunder including, but not limited to, failure to correct a violation identified in a citation or  
11 compliance order. The California SDWA also authorizes the Board to take action to  
12 suspend or revoke a permit that has been issued to a public water system if the system  
13 has violated applicable law or regulations or has failed to comply with an order of the  
14 Board; and to petition the superior court to take various enforcement measures against a  
15 public water system that has failed to comply with an order of the Board. The Board does  
16 not waive any further enforcement action by issuance of this citation.  
17

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21 12/17/14  
22 \_\_\_\_\_  
23 Date

24  
25 \_\_\_\_\_  
26 Chad Fischer, P.E.  
27 Senior Sanitary Engineer, Tulare District  
DRINKING WATER FIELD OPERATIONS BRANCH



24 **CJF/TS**

25 **Appendices:**

26 Appendix A: Applicable Statutes and Regulations for Citation 03-24-14C-014

27 **Attachments:**

Attachment A: Positive Total Coliform Investigation report  
Attachment B: Summary of Distribution Bacteriological Samples from August 2014 to Sept. 2014  
Attachment C: Summary of Source Bacteriological Samples from August 2014 to Sept. 2014  
Attachment D: Public Notice for August and September 2014  
Attachment E: Proof of Notification Form



## **APPENDIX A**

### **Applicable Statutes and Regulations for Citation No. 03-24-14C-014**

#### **Section 116650 of the CHSC states in relevant part:**

##### **§116650. Citations**

- (a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

#### **Section 64424 of Title 22, California Code of Regulations (CCR) states in relevant part:**

##### **§64424. Repeat Sampling.**

- (a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Division allow the collection of the repeat sample set over a four-day period.
  - (1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.
  - (2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.
- (b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream of the original site. At least one sample shall be from upstream and one from downstream unless there is no upstream and/or downstream service connection.
- (c) If one or more samples in the repeat sample set is total coliform-positive, the water supplier shall collect and have analyzed an additional set of repeat samples as

specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in §64426.1 has been exceeded and notifies the Department.

- (d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:
  - (1) The Department conducts a site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.
  - (2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with §64426.1.

**Section 64426.1 of Title 22, California Code of Regulations (CCR) states in relevant part:**  
§64426.1. Total Coliform Maximum Contaminant Level (MCL).

- (a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in §64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.
- (b) A public water system is in violation of the total coliform MCL when any of the following occurs:
  - (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
  - (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
  - (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
  - (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.
- (c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.